



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUN 24 2013**

Mr. John Rhodes  
Office of the Director of Facilities and Technology  
Regional School District No. 18  
53 Lyme Street  
Old Lyme, Connecticut 06371

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a) and  
§ 761.79(h)  
Mile Creek School  
Old Lyme, Connecticut

Dear Mr. Rhodes:

This is in response to the Regional School District No.18 (the District) Notification<sup>1</sup> to clean up and dispose of PCB-contaminated building materials and soils at the Mile Creek School located at 205 Mile Creek Road in Old Lyme, Connecticut (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62.

In its Notification, the District has proposed the following PCB cleanup and disposal plan:

- Remove exterior window/door and exterior expansion joint PCB caulk and associated *non-porous surfaces* (i.e., window/door assemblies) for disposal as a *PCB bulk product waste* in accordance with § 761.62(a)
- Remove and dispose of *porous surfaces* (i.e., 1 course (8 inches) concrete block) adjacent to the PCB caulk as *PCB bulk product waste* in accordance with § 761.62(a)
- Decontaminate *non-porous surfaces* (i.e., steel lintels) that will remain to NACE No. 2 visual standard in accordance with § 761.79(b)(3)(i)(B)
- Remove bulk *PCB remediation waste* (i.e., soil) from the north elevation to a depth of 8 inches below surface grade (bsg) to a distance of 2 feet from the foundation, outside of room # 1 and room # 7, and dispose as a *PCB remediation waste* < 50 ppm in accordance with § 761.61(a)(5)(i)(B)(2)(ii).

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<sup>1</sup> The notification was prepared by Fuss & O'Neill on behalf of Regional School District No. 18 to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated January 15, 2013 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); May 1, 2013 (Response to EPA Comments); and June 11, 2013 (2<sup>nd</sup> Response to EPA questions and additional sample results). These submittals shall be referred to as the "Notification".

- Collect verification samples in accordance with Subpart O to confirm that the PCB cleanup standards of less than or equal to ( $\leq$ ) 1 part per million (ppm) and  $\leq 1 \mu\text{g}/100 \text{ cm}^2$  (if the NACE 2 standard cannot be achieved) have been met.

The District has determined that certain caulk and glazing, which has PCB concentrations at less than ( $<$ ) 50 ppm are *Excluded PCB Products*. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement to remove these building materials or to decontaminate surfaces that are in contact with these building materials. However, as indicated in the Notification, these materials will be removed and disposed of under the Connecticut Department of Energy and Environmental Protection (CT DEEP) Regulations.

The Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

The District may proceed with its project in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director  
Office of Site Remediation & Restoration

cc Kathleen Pane, Fuss & O'Neill  
Gary Trombly, CTDEEP  
Brian Toal, CTDPH  
File

Attachment 1 – PCB Approval Conditions



## ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
REGIONAL SCHOOL DISTRICT NO. 18  
MILE CREEK SCHOOL (the "Site")  
205 MILE CREEK ROAD  
OLD LYME, CONNECTICUT**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Regional School District No. 18 (the District) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The District must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, The District shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The District is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the District has or receives information indicating that the District or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the District are authorized to conduct the activities set forth in the Notification. The District is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the District from compliance with any applicable requirements of federal, state or local law; or 3) release the District from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from the District of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The District shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
12. The District shall submit the following information for EPA review and/or approval:
  - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
  - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

#### **CLEANUP AND DISPOSAL CONDITIONS**

13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.



14. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
  - a. All visible residues of PCB-contaminated caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
  - b. The cleanup level for bulk *PCB remediation waste* (i.e., soils) at the Site shall be less than or equal to ( $\leq$ ) 1 part per million (ppm).
    - i) Samples (i.e., soils) shall be collected on a bulk basis (i.e., mg/Kg) and reported on a dry weight basis. Samples shall be collected from both excavation bottoms and sidewalls, as applicable.
    - ii) Sampling shall be conducted in accordance with Subpart O, to confirm that all greater than ( $>$ ) 1 ppm PCB-contaminated soils have been removed.
    - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
  - c. The cleanup standard for *porous surfaces* (i.e., concrete block) shall be  $\leq$  1 ppm.
    - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and in accordance with the Subpart O sampling frequency and the procedural requirements as detailed in the Notification.
    - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
  - d. The decontamination standard for *non-porous surfaces* to remain in-place (i.e., steel lintels) shall be the NACE No. 2 visual standard as required under § 761.79(b)(3)(i)(B). Alternatively, *non-porous surfaces* may be decontaminated as follows:
    - i) All visible paint shall be removed as described in the Notification.

- ii) Post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.,  $\mu\text{g}/100\text{ cm}^2$ ) and at the frequency of 1 sample every 5 feet.
  - iii) In the event decontaminated *non-porous surfaces* have PCB concentrations at  $> 1\mu\text{g}/100\text{ cm}^2$  PCBs, the District may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes in accordance with 40 CFR Part 761.
  - iv) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

16. The District shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the District to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).



18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
20. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

21. The District shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the District in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
22. The District shall submit a final report in both hard copy and electronic copy to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
23. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

24. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**